

REMARKS

By this Amendment, Claims 2, 10 and 17 are amended, and Claims 21-48 are added. Accordingly, Claims 1-48 are pending. Reconsideration of the February 24, 2003, Official Action is respectfully requested.

Initially, Applicants thank Examiner Paik for the courtesies extended to Applicants' undersigned representative during the April 23, 2003, personal interview. Applicants' record of the substance of the interview is incorporated in the following remarks.

The Official Action states that foreign documents and other non-patent literature cited in the Information Disclosure Statement filed on March 15, 2002, have not been considered. As understood, the Official Action submits that copies of these documents were not provided with the Information Disclosure Statement. However, as was discussed during the April 10, 2003 telephone conference between Examiner Paik and Applicants' undersigned representative, copies of each of the references were submitted to the Patent Office with the Information Disclosure Statement. Examiner Paik indicated that he will try to locate the copies when acting on this response. Applicants respectfully request that they be provided with an initialed Form PTO-1449 acknowledging consideration of the foreign documents and other non-patent literature along with the next Patent Office communication.

The Official Action objected to the drawings under 37 C.F.R. § 1.84(p)(4) for allegedly using different reference characters to designate the same illustrated feature. The Official Action also objected to the specification for allegedly using different reference numerals to designate the same part. To address these objections, the specification has been amended in the Brief Description of the Drawings section to change the description of

Figure 2, to indicate that this figure is a top cut-away view, and not a cross-section, of the aerosol generator shown in Figure 2, to be consistent with the description of Figure 2 at page 6, lines 7-9, of the specification. This amendment is believed to overcome the objections to the drawings and specification. Therefore, withdrawal of the objections is respectfully requested.

Applicants gratefully acknowledge the indication in the Official Action that Claims 2-4, 8 and 10-16 contain allowable subject matter. Claim 2 has been rewritten in independent form including the combinations of features of Claim 1 and Claim 2. Accordingly, Claim 2, as well as Claims 3, 4 and 8 dependent therefrom, are in condition for allowance. Claim 10 has been rewritten in independent form including the combinations of features of Claim 1 and Claim 10. Accordingly, Claim 10, as well as Claims 11-16 dependent therefrom, are in condition for allowance.

Claims 1, 5-7 and 17-20 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,155,268 to Takeuchi. The reasons for the rejection are stated at numbered paragraph 5 of the Official Action. The rejection is respectfully traversed for the following reasons.

Claim 1 recites an aerosol generator, which comprises *inter alia* "a laminate body having a fluid passage therein, the fluid passage being located between opposed layers of the laminate which are bonded together" (emphasis added). The specification describes various exemplary embodiments including opposed layers bonded together. For example, the opposed layers of the laminate can be adhesively or metallurgically bonded together (page 8, line 2, of the specification), or one or more additional layers can be interposed

between the layers (page 10, lines 2-4). Takeuchi fails to disclose the combination of features recited in Claim 1 for the following reasons.

Takeuchi discloses a flavor-generating device. The Official Action refers to Figures 10 and 11 of Takeuchi. Figure 10 shows plates 361, 362 and plate heaters 421, 422 defining a liquid passageway 371, and a liquid container 32. Takeuchi discloses that "the plates 361 and 362 are arranged in substantially parallel, and space [sic] apart from each other with a distance sufficient for the capillary force to be exerted therebetween". The plate heaters 421, 422 are mounted to the plates 361, 362, respectively, and also are spaced apart with the same distance as in the plates (column 9, lines 35-44).

The embodiment shown in Figure 11 of Takeuchi includes plate heaters 423, 424 provided in the opposing surface regions of the spaced plates 361, 362 and defining the liquid passageway 371 between them.

Takeuchi fails to disclose features recited in Claim 1. Namely, the mechanism for supplying and gasifying a liquid flavor source shown in Figures 10 and 11 of Takeuchi is not a "laminated body", as recited in Claim 1. Also, Takeuchi discloses that the liquid passageway defined by the substantially parallel plates is fluid-tightly sealed at its sides by sealing material, such as a plastic film or a metal foil, to prevent the leakage or the evaporation of the liquid flavor source from the sides of the plates (col. 9, lines 45-50). Takeuchi describes that the sealing material prevents leakage or evaporation of the liquid source from the sides of the plates. Takeuchi fails to disclose that the sealing material bonds together the plates 361, 362. While Takeuchi discloses that the plates 361, 362 are mounted to the respective plate heaters 421, 422, Takeuchi fails to describe how the plates

361, 362 are held in the substantially parallel, spaced apart relationship. Takeuchi does not disclose that the plates 361, 362 are held in this relationship by the sealing material.

Clearly, Takeuchi does not disclose that the liquid passageway is "located between opposed layers of the laminate which are bonded together" (emphasis added), as recited in Claim 1.

Thus, Takeuchi fails to disclose the combination of features recited in Claim 1.

Therefore, Claim 1 is patentable over Takeuchi. The above remarks pertaining to Claim 1 should not be construed as narrowing the scope of the subject matter recited in Claim 1.

Dependent Claims 5-7 and 17-20 also are patentable over Takeuchi for at least the same reasons as those for Claim 1. Therefore, withdrawal of the rejection is respectfully requested.

Claim 9 was rejected under 35 U.S.C. § 103(a) over Takeuchi in view of U.S. Patent No. 5,743,251 to Howell et al. ("Howell"). The reasons for the rejection are stated at numbered paragraph 7 of the Official Action. The rejection is respectfully traversed for the following reasons.

The Official Action acknowledges that Takeuchi fails to disclose or suggest a heater comprising a layer of platinum. However, it is alleged that Howell cures this omission of Takeuchi. Without addressing this allegation, Howell fails to cure the omissions of Takeuchi with respect to the aerosol generator recited in Claim 1. Accordingly, Claim 9 also is patentable over Takeuchi and Howell for at least the same reasons as those for Claim 1. Therefore, withdrawal of the rejection is respectfully requested.

New Claims 21-27 depend from Claim 1. Support for the subject matter recited in Claims 21-23 is provided at page 14, lines 1-13, of the specification. Support for the

subject matter recited in Claim 24 is provided at page 8, lines 8-22, of the specification, and Figures 3A-3C. Support for the subject matter recited in Claim 25 is provided at page 8, lines 18-22, of the specification. Support for the subject matter recited in Claim 26 is provided, for example, in FIG. 3C. Support for the subject matter recited in Claim 27 is provided at page 10, lines 2-4, of the specification. Claims 21-27 also are patentable.

New independent Claim 28 is patentable for reasons stated above. Claims 29-31 depend from Claim 28. Support for Claims 29-31 is provided at page 14, lines 13-17, of the specification. Claims 28-31 also are patentable.

New independent Claim 32 recites an aerosol generator, which comprises *inter alia* "a laminate having a fluid passage therein located between opposed layers of the laminate which are bonded together, the fluid passage having a width which is less than a width of the opposed layers" (emphasis added). Support for the subject matter recited in 32 is provided, for example, in Figures 3C and 4F. Claim 32 also is patentable. Claims 33-38 depend from Claim 32, and thus also are patentable.

New independent Claim 39 recites an aerosol generator, which comprises *inter alia* "a laminate having a fluid passage therein located between opposed layers of the laminate which are bonded together, the opposed layers having bonded surfaces which are closer together than surfaces of the opposed layers defining the fluid passage" (emphasis added). Support for the subject matter recited in Claim 39 is provided, for example, in Figures 3C and 4F. Claim 39 also is patentable. Claims 40-45 depend from Claim 39, and thus also are patentable.

New independent Claim 46 recites an aerosol generator, which comprises *inter alia* "a laminate having a fluid passage therein located between opposed layers of the laminate which are bonded together, the opposed layers including opposed depressed surfaces defining the fluid passage therebetween" (emphasis added). Support for the subject matter recited in Claim 46 also is provided, for example, in Figures 3C and 4F. Claim 46 also is patentable.

New independent Claim 47 recites a method of making an aerosol generator. Claim 47 also is patentable for reasons stated above with respect to Claim 28.

New independent Claim 48 recites a method of making an aerosol generator. Claim 48 recites the combination of features recited in original Claim 10. In light of the indication of allowable subject matter in Claim 10, Applicants respectfully submit that Claim 48 also is patentable.

For the foregoing reasons, it is submitted that the application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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